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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,413

09/14/2005

Jusztli Gyocrgy

3426

6339

7590

12/01/2006

Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

GRANT, ALVIN J

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/549,413

Applicant(s)

GYOERGY, JUSZTI

Examiner

Alvin J. Grant

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention I in the reply filed on 9/11/06 is acknowledged. The traversal is on the ground(s) that in accordance with Chapter 13 of the PCT, it is acceptable to maintain in a single application several species between several inventions which have common inventive idea. This is not found persuasive because, in addressing 371 applications, paragraph 802.01[R] states that a restriction may be required if two or more "independent and distinct" inventions are claimed in one application.

The requirement is still deemed proper and is therefore made FINAL.

Additionally, it appears that Applicant inadvertently submitted the version of claims that were not amended to comply with the requirements of U. S. Patent Practice; as a result the corrected version (of 9/14/05) that was amended to delete multiple dependency has been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Mandl et al. 2,492,231.

Art Unit: 3723

Mandl et al. discloses a discloses a hand grinder having a grinding sheet (19) that fits over the grinding disk underside (62) and having clamping means (65,67) for fixing the grinding sheet (19) to the grinding disk (62), the clamping means having clamping bodies that is pressable against the ends of the grinding sheet, wherein the clamping body is rotatably supported about a shaft (66) located substantially vertically above a mounting face; the clamping body is designed as an in particular cylindrical roller, and the mounting face is designed as a groove that is cylindrical at least in one portion; the clamping body has a friction lining, in particular a plastic hose, on its circumference; the clamping body, on the cylindrical core which in particular is of metal, supports a bent clamping lever, in particular such that the contours are flush, in a manner fixed against relative rotation and in captive fashion; an end, remote from the edge, of the clamping lever is lockable in its clamping position; the clamping lever is coupled to the core of the clamping body, placed in radial and axial bores; the clamping body has one clamping lever on each of its axial ends; the clamping body, particularly on its metal core, has radial and axial grooves, into which the clamping lever, made particularly of spring wire, is placeable flush with the contour of the metal core and is coupled to the clamping body in a manner fixed against relative rotation by means of the plastic hose; the release position of the clamping body, there is a slit between the clamping body and the mounting face, into which slit the end of the grinding sheet is insertable beneath and/or onto the clamping body; and the mounting face is curved, in particular in concave fashion, and extends toward the outermost pivot circle, leading to the shaft, of the clamping body in the region near the edge of the grinding

disk with a spacing amounting to several millimeters and intersects the pivot circle in the region remote from the edge(col. 3, line 47-col. 7, line 57; and Figs.1-8).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin J Grant  
Patent Examiner  
Art Unit 3723

ajg

